



Governor's Task Force
on the Humane Treatment of Animals
Friday, January 26, 2007
Minutes

The following taskforce members were present: Maureen Prendergast, Michael Hughes, Steven Sprowl, David Stowe, Dr. Jeri Zezula, Representative Carla Skinder, Mark Ellingwood, Dick Wentzell, Lisa Hall, Joyce Matott, Dr. Steve Crawford, Joanne Bourbeau, Peter Marsh, Sheila Presby, Roni McCall and Senator Sheila Roberge

Also present were Kirsten and Kyle MacArthur and Dennis Walsh

- The taskforce welcomes Representative Carla Skinder as representative for the House.
- The November 2006 minutes were approved with no changes.
- Mr. Paul Kelley, Director, Para Mutual Commission in NH - did not attend today's meeting as was scheduled

Old Business

- Email Maintenance: Reminder to taskforce members from Taskforce Secretary - emails are being bounced back as undeliverable - to avoid this taskforce members should include all email addresses of the current taskforce in their address books
- Also if your email address changes, or someone other than taskforce members wish to be on the email distribution list, please provide the taskforce secretary with their information
- Reminder, please include taskforce secretary when sending out emails to other taskforce members

There was a discussion regarding the draft of the year-end report to the governor.

Russell Pope spoke regarding the proposed change to Delinquency proceedings for minors. Russell is proposing that the second sentence in paragraph a. needs to be amended as it is not accurate and is in support of transfer to the superior court."

If the minor's prior behavior doesn't satisfy the test in 169-B:24 then he/she cannot be prosecuted with the felony. In the case that Russell had the minor purposely and continuously beat an animal over a prolonged period of time and videotaped the whole incident. This individual had no prior adjudications against him and thus had to be prosecuted on a misdemeanor level. As a result Russell wrote suggested changes to SB 321 which tried to insert "*or cruelty to animals as a class B felony under RSA 644:8, III-a,*" after RSA 630:3, II. The bill was killed because unfortunately, you can't prove that the perpetrator will pose any future threat to society.

Here is it as currently written:

a. Delinquency proceedings for minors. NH does not currently allow cases against minors for felony animal cruelty to be transferred to Superior Court. The link between animal cruelty and human violence is well known and well researched, and some studies have shown that a disturbing majority of intentional cruelty cases are committed by youths. In truly egregious cases such as these, this action may be necessary for the early intervention and treatment for the offender.

Current law (RSA 169-B:24) says we can charge the Juvenile with the felony if: "When the felony offense charged is first degree murder, second degree murder, attempted murder, manslaughter, first degree assault, second degree assault (except when the allegation is a violation of RSA 631:2, I(d)), aggravated felonious sexual assault, kidnapping, criminal restraint, robbery punishable as a class A felony, a violation of RSA 318-B:26, I(a) or (b), [or] negligent homicide under RSA 630:3, II, or when the minor is charged with any felony and, prior to the filing of the felony petition, the minor has been petitioned to the court on 4 or more occasions and adjudicated delinquent in 4 separate adjudicatory hearings which alleged misdemeanor or felony offenses, and the minor commits the act after the minor's fifteenth birthday, there shall be a presumption that the factors listed in RSA 169-B:24

Joanne Bourbeau suggested the wording be changed to *NH does not currently allow cases against minors for felony animal cruelty to be transferred to Superior Court unless the individual has prior adjudications against him/her.*

Funding Subcommittee did not meet prior to this taskforce meeting:

The Funding Subcommittee will have something in writing for the next taskforce meeting per Dick Wentzell

Education Subcommittee Update:

Website is up and running - The Office for Information Technology is now responsible for the changes, edits, additions to the webpage - Jeri is still the contact for the content of the page and the taskforce members should continue to send her the information.

First UNH animal cruelty class was done last fall - it will be held again next fall with all co-instructors agreeing to teach again - 11 students took it and all passed! Grades ranged from A-C. Course evaluations were quite good. All got what they were looking for. All appreciated the on-line format as they were working, busy people. - 2 animal cruelty animal investigators, 3 ACO, 1 police captain - 2 UNH students, 1 student from out of state, 1 pre-

vet student. A couple of students wanted more (an advanced class or coverage of other things). All thought it was worth the cost. They had a couple of suggestions for changes in the cruelty laws, which will be passed to the re-codification sub committee.

NH Coalition against Domestic Violence - On January 8th, Maureen Prendergast and Dr. Zezula met with Director Grace Mattern and four other members of the Coalition. Dr. Zezula had assumed that they would only be discussion Safe Havens for animals, but found that they wanted to discuss that and more. To summarize:

- They are revamping their website and will make the animal abuse/domestic violence information more visible. We will coordinate theirs with ours.
- They are going to try to get the issue one (or even two) 90-minute times slots at the June 7 & 8th Domestic Violence Conference in Attitash (Police and prosecutors often attend).
- We hope to have another meeting in March with more organizations (police, prosecutors, NHVMA, NH Fed of Humane Societies) represented to plan a fall half-day workshop cosponsored by the Coalition and the Governor's Task Force.

Re-codification Subcommittee Update:

NH Law Book - the book has been updated and the NH Fed is going to get it printed. The booklet will be ready for distribution by the end of next week and sent out to all Police Departments. Additional copies may be purchased for \$25.00 the fee for the book goes to NH Federation funding.

Cruelty case cost questionnaire - Dr. Crawford's office sent them out in December. - only 5 have returned - a reminder will be sent out to the recipients - Joanne Bourbeau will bring it up at NH Fed meeting on January 31st. Dr. Zezula will tabulate the results when the surveys come in. Roni McCall will assist Dr. Crawford in identifying reminder notices and specific case cost we are looking to obtain.

New Business

- Year End Report to the Governor - this report is being drafted now.
- Upcoming Legislation/Pending hearings

1300 bills proposed for this legislative session - 290 proposed bills of the have been printed so far.

Below are some of the animal related proposed bills for this legislative session. Note: Taskforce cannot take a stand as a taskforce because of conflict of interest but we can attend the hearings and personally support or oppose a piece of legislation.

Mark Ellingwood spoke regarding Big Game Shooting Preserves
Fish and Game is taking a firm stand at opposing these preserves.

Fish and Game is ethically and biologically against it - Fish and Game has adopted the North American Conservation Model where wildlife resources should remain in the wild and not in captivity.

Changing of certain terms in the statutes such as "slaughter" could open doors to allow these initiatives to take place - The hearing before the Environment and Agriculture committee is on Tuesday, January 30th at 10am

NH has several established preserves = Corbin park (established in the 1860's) Cornish, Croydon does not fall into this - plus one inactive preserve

Fish and games statutes are distinctly different than domesticated statutes

Piping Plovers are still not getting the protection they need - Roni McCall suggested that the cats be round up from April to June while the birds nest, with the help of the NH Feral Network and Sunday Spay Clinic groups

Fish and Game does not want to have to eradicate the cats

Peter Marsh suggested this taskforce might be a mediator for both organizations and perhaps we should invite both Safer and Fish and Game to come and speak to this taskforce about the problem for the next taskforce meeting.

HB923 (co-sponsored by Senator Roberge) will prohibit dog racing in New Hampshire and establish a committee to make recommendations for mitigating the impacts of such.

HB604 will prohibit the taking of deer from baited areas. The practice of baiting deer ahead of hunting season, getting them used to feeding in a specific location so when deer season opens the hunter can go and shoot them on the spot - This is very similar to bear baiting.

HB44 - was heard last week - Russell pope offered an amendment on it - generic name for ACO rather than animal control officer - person or person's authorized by the governing body. Nancy has more details on it.

HB142 - sale of out of state animals - Dr. Crawford had this one introduced - pet shops and animal shelters - 70 pet shops - half or more that advertise on craigslist etc need to be licensed and regulated - this addresses brokers for the shelter - facility inspections and health records need to be provided.

An outbreak from animals coming in from out of state - a health certificate has to be brought in with the out of state animals. This applies to animals intentionally brought into NH for adoption from another state - this does not apply to seizure - hearing on Tuesday at 11am - Chapter 437 for pets - not just cats or dogs

Dr. Crawford stated "Health certificates for dogs and cats entering the state (not as pets moving with families, but intended for transfer) need to have inoculations against appropriate viral diseases within one year, but not in the last 7 days; Certificate of Veterinary Inspection (USDA form for interstate movement) issued in last 30 days' animal

at least 8 weeks old; rabies vaccinated if age appropriate. You can find the specifics in section 2111 at the following link <http://www.gencourt.state.nh.us/rules/agr2100.html>

HB71 - animal population control program is funding through dog licensing - right to know law does not apply to towns so that they must give the State Vet a list of names of the dog owners - if the towns don't send - going to judiciary subcommittee on 1/31 at 1:30 IN ROOM 208. If I have a dog come onto my property and it has a license tag - the town clerk cannot give you the name of the owner - but they can call the owner and have them call you ACO's will continue to get the lists - just not the public.

SB54 - increase licensing fee - 66 -1a is not increasing the donation to the spay neuter fund nor the state lab - Senator Gatsas bill - New England's dog licenses are relatively low cost compared to other parts of the country.

SB118 - increasing fines for dog violations - violations fines have not been raised for a long time - this will now double the fine for a nuisance dog.

HB666 - Dr. Crawford and Peter Marsh worked on this proposed bill - if passed this bill will provide \$20-50,000 in additional revenue from the license fee for the sale of animal vaccinations to fund the spay/neuter fund - last year the shortfall was 45,000.

HB33s would direct the State of NH to purchase only eggs from free-range hens not from battery cages hens.

HB552 would ban battery cage chicken production. Pete and Gerry in Monroe NH are in favor of this bill - the opposition comes from the farm bureau

Representative Carla Skinder co-wrote these 2 bills and Nancy Johnson is lobbyist.

HB585 - will require all animal shelter facilities, pet shops and commercial kennels to collect a neutering deposit when placing a cat or dog that has not been neutered. The funds will go to the Spay Neuter program started by Peter Marsh in 1994. The Spay/Neuter Program has considerably reduced the number of euthanasia's in NH - last year only about 3000. - Expected this year a \$20-70,000 shortfall to the spay/neuter program.

The Taskforce had a discussion regarding Internet sales and pet adoptions. They are now accounting for 25% of all pet adoptions.

The law doesn't currently require a health certificate to come across NH state lines with an animal - it is unregulated - Google.com, craigslist etc sell dogs on the Internet

Animal passports to are required to go into Canada - currently NH's policy is if the animal is going out of state it is the requirement of the other country or state to require a health certificate.

There was a discussion regarding a proposal to issue a surcharge for intact dogs - mostly

puppies - Dr. Crawford has stated that it is bad public policy to import intact dogs from out of state puppy mills. Reasons: Serious dog attacks - maulings are from intact dogs - Note: this bill passed in Maine 2 years ago with a 25\$ surcharge and raised 60,000 in revenue sources to ME

In NH animal shelters mostly cats get euthanized - 4 cats to every 1 dog - 3 states now require all shelters to sterile shelter animals including California.

Roni McCall reminded the taskforce that the Union Leader has a list of all the bills that will be heard for the coming week published in either on Sunday or Monday editions.

Humane Taskforce Website - is not currently linked on NH.gov. The Webmaster for NH.gov is now doing the entry info for our website, Dr. Jeri Zezula is still the contact for submissions to the website.

Letter to the taskforce from Dan Mack was read.

Mr. Mack's dog was shot by his neighbor and the outcome of the case was very different from that of the Hill, NH dog shooting.

The taskforce empathized with what happened and the conscience is that the law allowing a property owner to kill an allegedly menacing dog on his property needs to be reviewed and revised.

This is an argument to raise awareness and educate local law enforcement on the recognition and handling of animal cruelty in NH as not only did the police departments but the judges handled these two cases very differently with decidedly different results.

Senator Roberge will pass this onto legal counsel and send a response letter to Mr. Mack.

Kirsten and Kyle MacArthur spoke to the taskforce about their dog Penny being shot and killed by their neighbor. The case was handled very differently from that of Mr. Mack's dog shooting and shows the frustration that we all feel on how each town could interpret the animal cruelty laws. This is another argument for educating the communities on animal cruelty and the law.

Future agenda items to address:

- Continuing education is a factor that this taskforce is well aware of and needs to be addressed - the online courses at UNH are available to these towns/PD's and are often available to them either free or at the expense of the town.
- Change the laws regarding language and practices that are out of date.

Next meeting date - TBA

Submitted by Roni McCall, Taskforce Secretary on February 8, 2007